

Minutes of the January 15, 1999 Board Meeting
City Council Chambers
815 West Sixth Street
Corona

1. Regional Board Chair Stein called the meeting to order at 9:00 a.m.

Board Members Present

Karen Stein
John Withers
Evelyn Hart
Rodger Siems
Melody Henriques

Staff Members Present

Gerard J. Thibeault, Executive Officer
Kurt V. Berchtold, Assistant Executive Officer
Joanne E. Schneider, Environmental Program Manager
Karen White, Executive Assistant
Michael A. Adackapara, Chief, Dept. of Defense and Stormwater Section
Laurie Taul, Environmental Specialist III, Stormwater Section
Ken Theisen, Sanitary Engineering Associate, Planning Section

Legal Counsel

Ted Cobb

State Board Member

Mary Jane Forster

Public In Attendance

John Hills, City of Anaheim
Charles Presons, Converse Consultants
Rod Cruze, City of Riverside
Ken Pang, City of Redlands
Janice McConnell, Omni Metal Finishing
Victor M. Salazar, Omni Metal Finishing
Kathy Nokase, Orange County Farm Bureau
Rich Hostetler, Property Owner
Pat Kilroy, City of Lake Elsinore
Don Williams, City of Corona
Tom Potter, County of San Bernardino
Doug Drury, Inland Empire Utilities Agency
Danette Burnside, Merchants Delivery Systems
Jerry Lyon, Merchants Delivery Systems Inc.
June Nguyen, Los Angeles County Sanitation Districts
Jack Skinner, Newport Beach, Resident
David Lopez, Rubidoux Community Services District

Bryan Beals, Beals Casting
Julius Ma, East Valley Municipal Water District
Terry Baley, Breakthrough Env. Tech.
Dee Thornburgh
Bert Regalta
Greg Woodside, Orange County Water District
Larry Chrystal, E. S. Babcock and Sons, Inc.
Jim Earsom, USDA, Redlands
J. Lambriches, Friends of the Los Angeles River
John Kabashima, Orange County, U. C. Cooperative Extension
Mitzy Taggart, Heal the Bay
Harlan Christianson, Breakthrough Env. Tech.

2. Minutes of the November 20, 1998 Board Meeting

There being no additions or corrections, the minutes of the regular meeting held on November 20, 1998, were approved, as presented.

9. Waste discharge requirements, cease and desist orders, and cleanup and abatement orders for the following facilities are proposed to be rescinded because these discharges have been eliminated, the facilities are no longer in operation, the dischargers have complied with the order, the discharges are regulated by other orders, or they are no longer a significant threat to water quality: Order No. 99-34

	<u>Order No.</u>	<u>Discharger</u>	<u>County</u>
1.	87-014	Truck Tub, Inc., Truck Wash, Fontana	San Bernardino Co.
2.	88-116	City of Rialto	San Bernardino Co.
3.	85-049	Cottonwood Apts., Fontana	San Bernardino Co.
4.	78-20	Hydro-Conduit Corp., Corona	Riverside Co.
5.	86-161	Sunset Aquatic Shipyard, Huntington Beach	Orange Co.
6.	87-73	Sunset Aquatic Shipyard, Huntington Beach	Orange Co.
7.	86-166	Gro-Rite Fertilizer Co. Irvine	Orange Co.

Action: It was moved by Board Member Withers and unanimously carried to adopt Order No. 99-34, as presented.

5. Appeal for an Exemption from the Homeland/Green Acres and Romoland Waste Discharge Prohibition for Subsurface Disposal System Use - Richard Hostetler, 33416 Catlin Avenue, Hemet (Green Acres), Riverside County - APN 458-141-029

Joanne E. Schneider, Environmental Program Manager, presented this item. In December 1998, Mr. Hostetler submitted a letter requesting an exemption from the Homeland-Green Acres and Romoland waste discharge prohibition. Ms. Schneider showed viewgraphs of the subject property. In March 1987, Mr. Hostetler's property was granted an "Attachment A", allowing temporary use of a subsurface leaching/percolation system until July 1, 1990, providing adequate time for sewer connection. She stated that the property does not meet the requirements for a permanent exemption since it is only 0.42 acres in size and a sewer line designed to serve the lot is less than 200 feet from

the dwelling unit. Ms. Schneider noted that Mr. Hostetler's temporary exemption has expired and that he is currently in violation of the prohibition. Ms. Schneider stated that in staff conversations with Mr. Hostetler he has indicated that it would be impractical and financially infeasible to connect to the sewer system, due to the rocky terrain. Staff contacted Eastern Municipal Water District (EMWD) regarding connection of this property to the sewer. EMWD staff advised staff that sewer connection would be feasible but may be somewhat more costly than normal. In addition, the District has agreed to provide a "Y" lateral connection to assist Mr. Hostetler in complying with the prohibition. Ms. Schneider indicated that Mr. Hostetler has not indicated his inability to pay for the sewer connection. Therefore, staff recommended that the Regional Board deny Mr. Hostetler's request for an exemption from the waste discharge prohibition and direct the Executive Officer to grant a temporary exemption for three months to provide adequate time for Mr. Hostetler to connect to the sewer system. Ms. Schneider answered questions from the Regional Board.

Executive Officer Thibeault reviewed a letter received from Mr. Hostetler, dated December 12, 1998, wherein Mr. Hostetler indicated that he has participated in various property development projects and sewer connections in the neighboring area, which would suggest his awareness of the prohibition criteria and his ability to pay for the connection.

Comments were provided by the following:

Mr. Hostetler responded to Mr. Thibeault's statement and contended that he was aware that the development needed a septic tank, not that they needed to be connected to the sewer system. Mr. Hostetler also contended that he has approximately seven estimates on the proposed sewer connection job, but he has had a difficult time getting the contractors to submit a written bid because of the unknown additional work that may be encountered due to the rocky terrain. He also stated that in conversations with EMWD staff, they have informed him that he must pay the fee prior to the District providing the "Y" lateral location. Mr. Hostetler answered questions from the Regional Board.

Board Member Siems commented on the history of EMWD in assisting property owners in connecting to the sewer. He also suggested that Mr. Hostetler contact EMWD staff to receive financial and technical assistance in connecting to the sewer.

Discussion ensued between the Regional Board and Mr. Hostetler. Mr. Thibeault stated that it may not be feasible for Mr. Hostetler to connect to the sewer until EMWD has determined their ability to construct the "Y" lateral connection. Board Member Siems also stated that additional research is necessary to determine whether the economic impact will be reasonable to Mr. Hostetler. Therefore, the Regional Board decided to table this matter to a future meeting to allow investigation of the feasibility of constructing the "Y" lateral and of sources of financial assistance.

Action: It was moved by Board Member Henriques and unanimously carried to table this matter to the May 21, 1999, meeting and to grant a temporary exemption for a six month period.

6. Fecal Coliform Total Maximum Daily Load for Newport Bay – Public Workshop

(Information pertaining to this item is provided in a verbatim transcript.)

Ken Theisen, Sanitary Engineering Associate, Planning Section, presented the staff report. Mr. Theisen began his presentation with an overview of the goals and schedule of events related to the implementation and adoption of the proposed Fecal Coliform TMDL. Next, he reviewed and summarized the public comments received from United States Environmental Protection Agency and other interested parties. Mr. Theisen indicated that most of the comments received focused on completion of the risk assessment, and separating the adoption of the TMDL from the implementation plan. In conclusion, Mr. Theisen requested that the Board direct staff to prepare the necessary documentation for consideration of adoption of the pathogen TMDL at the March 5, 1999, meeting. Mr. Theisen answered questions from the Regional Board.

Comments were provided by the following:

Chris Crompton, Orange County Public Facilities and Resources Department
Ken Thompson, Director of Water Quality, Irvine Ranch Water District
Katherine Nokase, Orange County Farm Bureau
Dr. John F. Skinner, Newport Beach resident
John Kabashima, Farm Advisor, University of California, Riverside, Cooperation Extension
David Kipp, Assistant to the City Manager of Newport Beach

Executive Officer Thibeault stated that this matter is scheduled for Regional Board consideration at the March 5, 1999, meeting.

7. Administrative Civil Liability Complaint for Eastern Municipal Water District, Perris, Riverside County, Administrative Civil Liability Complaint No. 98-106

Executive Officer Thibeault stated that the District has waived its right to a hearing and agreed to a settlement of Administrative Civil Liability Complaint No. 98-106. The District submitted a check for \$2,000.00, and agreed to implement a stormwater monitoring program to generate water quality data related to dairy waste discharges that might affect the San Jacinto River and its tributaries.

8. Stormwater Administrative Civil Liability Complaints

(Information pertaining to this item is provided in a verbatim transcript.)

Regional Board Chair Stein opened the hearing by reading the Chairman's Statement.

Laurie Taul, Environmental Specialist III, Stormwater Unit, presented this item. Ms. Taul began the presentation with a brief overview of the Stormwater Program and reviewed the requirements of the stormwater permit. An important requirement of the stormwater permit is to submit an annual report by July 1st of each year. Information submitted in this report assists staff in determining whether the discharger is in compliance with stormwater regulations. Ms. Taul stated that failure to submit this form, as scheduled, places the discharger in violation of the stormwater permit. She indicated that eleven dischargers failed to submit the required report, even after receiving a notice of violation. This resulted in the Executive Officer's issuance of administrative civil liability complaints. The penalty assessment began at \$1500.00 per facility for this year's violation increased based on prior violations in complying with the annual report requirement. Ms. Taul indicated that of the eleven facilities, six had been resolved. For the remaining five facilities, Ms. Taul presented background information and described steps taken by staff in this matter. The Regional Board took the following action regarding each discharger:

2. Perris High School District, Perris, Riverside County, Administrative Civil Liability Complaint No. 99-24

Ms. Taul stated that this administrative civil liability complaint has been withdrawn.

6. Omni Metal Finishing, Inc., Fountain Valley, Orange County, Administrative Civil Liability Complaint No. 99-32

Mr. Salazar summarized what he believed transpired regarding submittal of the annual report. He stated that he prepared and sent the document to the Regional Board on June 26, 1998, by regular mail. He contended that he was unaware of the proposed Administrative Civil Liability Complaint No. 99-32, until he received a telephone call from staff on December 23, 1998. Mr. Salazar also talked about the current financial hardship that his business is experiencing and efforts he has implemented to comply with the stormwater regulations. Mr. Salazar then requested a waiver of the proposed assessment of \$5,000.00. Mr. Salazar answered questions from the Regional Board.

Action: It was moved by Board Member Withers, seconded by Board Member Henriques, and unanimously carried to affirm the assessment of \$5,000.00, as proposed by staff.

3. Rios Recycling, Riverside, Riverside County, Administrative Civil Liability Complaint No. 99-27

Ms. Taul stated that this business did not submit the report as required. In addition, prior annual reports were not fully completed, nor did the discharger respond to the notice of violation. However, Ms. Taul indicated that staff received the annual report on January 13, 1999. Therefore, staff recommended that the Regional Board affirm the proposed assessment of \$2,000.00, contained in Administrative Civil Liability Complaint No. 99-27.

Comments were provided by the following:

Mr. Baley informed the Regional Board that the employee responsible for completing the annual report deliberately failed to file the annual report so that the business would face the proposed assessment. He indicated that this employee has since been released and he requested waiver or reduction of the proposed assessment. Mr. Baley answered questions from the Regional Board.

Action: It was moved by Board Member Hart, seconded by Board Member Withers, and unanimously carried to affirm the assessment of \$2,000.00, as proposed by staff.

4. Merchants Delivery Systems, Ontario, San Bernardino County, Administrative Civil Liability Complaint No. 99-28

Ms. Burnside, representing Merchants Delivery Systems, stated that the business was unaware of the notice of violation until the company received the proposed administrative civil liability complaint. Ms. Burnside explained to the Regional Board that the company is currently experiencing financial and operational

difficulties, due to family disputes regarding management and ownership issues, and that new management is in place and has taken steps to ensure the timely submittal of next year's reports. Ms. Burnside urged the Regional Board to waive the proposed assessment. Ms. Burnside answered questions from the Regional Board.

Action: It was moved by Board Member Withers, seconded by Board Member Hart, and unanimously carried to affirm the proposed assessment of \$2,000.00, and suspend payment of the assessment provided next year's annual report is submitted by July 1, 1999, or the next business day.

1. Robinson Precision Die Casting, Huntington Beach, Orange County, Administrative Civil Liability Complaint No. 99-22

Assistant Executive Officer Berchtold stated that the discharger failed to respond to notices of violation or submit the requested annual report. However, he indicated that prior to the meeting, the discharger produced an express mail receipt dated June 12, 1998, addressed to the Regional Board office, indicating that the annual report was mailed to the Regional Board office in a timely manner. Therefore, staff recommended that the Regional Board affirm the proposed assessment amount of \$2,000.00, but suspend the amount provided that the discharger submits the 97-98 report by January 29, 1999, and also their 98-99 annual report by July 1, 1999.

Action: It was moved by Board Member Henriques, seconded by Board Members Withers, and unanimously carried to affirm the assessment of \$2,000.00, but suspend the amount provided that the discharger submits the 97-98 and 98-99 annual reports, as proposed by staff.

5. Beals Casting, Inc., Ontario, San Bernardino County, Administrative Civil Liability Complaint No. 99-30

Bryan Beals, representing his father, stated that his father could not attend due to a family emergency. However, Mr. Beals stated that in reviewing the file, they believe that the annual report was mailed on July 10, 1998, to the State Water Resources Control Board. Mr. Beals answered questions from the Regional Board.

Discussion ensued between Mr. Beals and the Regional Board. The Regional Board agreed to table action on Administrative Civil Liability Complaint No. 99-30, until Bryan's father, the owner of the business, could be present. In addition, Board Member Siems recommended that Mr. Beals meet with staff to ensure that he is aware of the procedures and has appropriate forms for submittal of the annual report.

Action: It was moved by Board Member Siems, seconded by Board Member Withers, and unanimously carried to table this item.

Regional Board Chair Stein closed the public hearing for the stormwater administrative civil liability complaints.

10. Triennial Review Workplan – Resolution No. 99-35

(Information pertaining to this item is provided in a verbatim transcript.)

Executive Officer Thibeault stated that the proposed Triennial Review Workplan was presented by staff at the November 20, 1998, meeting. During that meeting the Regional Board directed staff to hold a task force meeting with the stakeholders to receive additional comments and input on the proposed plan. Mr. Thibeault stated that staff held a task force meeting, and the additional comments that were received were related to the process of implementing the proposed projects, and are included in the Board Member packet. Therefore, Executive Officer Thibeault recommended adoption of Resolution No. 99-35, as proposed.

Comments were provided by the following:

John Hills, Environmental Services Manager, City of Anaheim, expressed the City's support of the proposed workplan and efforts of the Regional Board staff to place the dairy management and nitrate and TDS management as the highest priority in the Triennial Review Plan. He also expressed the City's continued concerns with pesticides in the region and the potential impact pesticides may have on surface and ground waters. He also expressed concern with the VOC plumes in northern Orange County.

Environmental Program Manager Schneider noted that staff had received a letter dated January 14, 1999, from Orange County Water District, expressing their support of the priority listing of the dairy regulatory strategy and nitrogen TDS management on the Triennial Review Plan. The District also made substantive comments regarding each of these items.

Action: It was moved by Board Member Hart, seconded by Board Member Siems, and unanimously carried to adopt Resolution No. 99-35, as presented.

11. Quarterly Violations Report

The Board accepted the report as submitted.

12. Hazardous Waste and Sewage Spill Incident Report

The Board accepted the report as submitted.

13. Underground Storage Tanks Site Closure Report

The Board accepted the report as submitted.

14. Executive Officer's Report (information item)

Executive Officer Thibeault stated that the Regional Board Retreat has been scheduled for March 25, 1999, location to be determined.

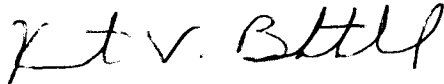
Legal Counsel Cobb apprised the Regional Board of his teleconference with Craig Wilson, Office of Chief Counsel, and Assistant Executive Officer Berchtold, regarding legal

strategies available to receive insurance funding for cleanup costs associated with the ongoing Rohr Industries, Inc., cleanup project.

15. ADJOURNMENT

Regional Board Chair Stein adjourned the meeting at 12:10 p.m., to the regular meeting scheduled for March 5, 1999, at the City Council Chambers of Newport Beach.

Respectfully submitted:

A handwritten signature in black ink, appearing to read "J. Thibault".

for GERARD J. THIBEAULT
Executive Officer

/kyw